

JUL 18 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

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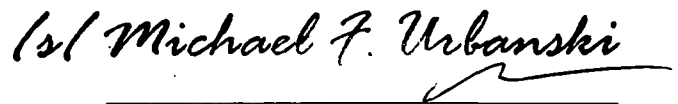
UNITED STATES OF AMERICA)	Case No. 5:13-cr-00010-1
)	
v.)	<u>ORDER</u>
)	
ANTHONY LEE MARTINEZ,)	By: Hon. Michael F. Urbanski
Petitioner.)	United States District Judge

Anthony Lee Martinez, a federal prisoner proceeding pro se, filed a motion for reconsideration more than twenty-eight days after the court granted the United States' motion to dismiss his motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255. See, e.g., Fed. R. Civ. P. 60(b)(1), (6); cf. Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978). The motion for reconsideration consists of both arguments already raised and adjudicated and new arguments not previously raised. However, a motion for reconsideration cannot be used to raise arguments which could have been raised before judgment or to argue the case under a new legal theory, and a motion for reconsideration should be denied when, like here, it "is nothing more than a request that the district court change its mind[.]" Pacific Ins. Co. v. American Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); United States v. Williams, 674 F.2d 310, 313 (4th Cir. 1982). Furthermore, Martinez fails to establish mistake, inadvertence, surprise, excusable neglect, or any other reason to justify relief from the dismissal order. Accordingly, the motion for reconsideration is **DENIED**.

The Clerk shall send a copy of this Order to the parties.

It is so **ORDERED**.

ENTER: This 18th day of July, 2016.


United States District Judge